

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

GOOGLE LLC,  
  
Plaintiff,  
  
vs.  
  
SONOS, INC.,  
  
Defendant.

Case No. 3:20-cv-06754 WHA  
Related to Case No. 4:21-07559

**[PROPOSED] ORDER APPOINTING  
COMMISSIONERS TO TAKE  
EVIDENCE PURSUANT TO CHAPTER  
II, ARTICLE 17 OF THE HAGUE  
CONVENTION OF 18 MARCH 1970 ON  
THE TAKING OF EVIDENCE ABROAD  
IN CIVIL OR COMMERCIAL MATTERS**

Referral: Hon. Donna M. Ryu, USMJ

**[PROPOSED] ORDER**

WHEREAS, the Court having previously granted the parties' Joint Motion for Appointment of Commissioners to Take Evidence Pursuant to Chapter II, Article 17 of the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters (ECF No. 217) for the remote deposition of Janos Levai;

WHEREAS, the Swiss Federal Office of Justice ("FOJ") having previously granted permission for the taking of the remote deposition of Mr. Levai pursuant to this Court's Letter of Request;

WHEREAS, the Court having recently granted Google LLC's ("Google") Motion Amend for Leave to Amend Invalidity Contentions Pursuant to Patent L.R. 3-6 ("Motion") and permitted certain amendments to the scope of Google's Invalidity Contentions;

WHEREAS, the Court having also recently permitted Sonos, Inc. ("Sonos") to take additional deposition testimony of Mr. Levai in connection with granting Google's Motion;

WHEREAS, the parties having requested assistance from this Court to seek a renewal of the FOJ's permission for the purposes of taking an additional remote deposition of Mr. Levai in Switzerland;

WHEREAS, the parties having agreed and requested that Olivier Buff, a Swiss attorney representing the Google LLC, will again be appointed Swiss Commissioner,

WHEREAS, the parties having also agreed and requested that Nima Hefazi will again be appointed commissioner for Google, along with James Judah, and that Dan Smith, Michael Boyea, and Sean Sullivan will again be appointed commissioners for Sonos;

WHEREAS, the parties have also agreed and requested that the deposition will again take place via remote videoconferencing software from the Swiss offices of Quinn Emanuel at Dufourstrasse 29, 8008 Zürich, Switzerland (or another nearby office if additional space is required);

1 WHEREAS, the Court, having reviewed the Joint Motion for Appointment of  
2 Commissioners to Take Evidence Pursuant to Chapter II, Article 17 of the Hague Convention of 18  
3 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters (ECF No. \_\_\_\_ ) and  
4 supporting papers submitted by Google and Sonos for the renewal of the FOJ's permission.

5 **HEREBY ORDERS THAT:**

6 (a) The Joint Motion (ECF No. \_\_\_\_ ) is GRANTED;

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8 (b) Pursuant to Article 17 of the Hague Convention, Olivier Buff (the "Swiss  
9 Commissioner"), Nima Hefazi, James Judah, Dan Smith, Michael Boyea, and Sean Sullivan  
10 (together, the "Commissioners") are duly appointed, pending the approval of the Swiss FOJ, as  
11 commissioners to take evidence in the above-captioned action, specifically in connection with the  
12 deposition of Janos Levai;

13 (c) This signed Order will be given to the counsel for the parties and the Swiss  
14 Commissioner who is directed to file it together with the renewed request for authorization from the  
15 relevant Swiss authorities within five (5) business days of the date of this order;

16 (d) Neither this Order, nor the terms of the Court's Request (which is incorporated into  
17 this Order) shall restrict the scope of discovery otherwise permissible under the Federal Rules of  
18 Civil Procedure.

19 (e) Neither this Order, nor the terms of the Court's Request (which is incorporated into  
20 this Order) shall constitute or operate as a waiver of the attorney-client privilege, the work product  
21 doctrine, or any other privileges, rights, or protections that may apply to evidence under the laws of  
22 Switzerland or the United States.

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27 **SO ORDERED.**  
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HON. DONNA M. RYU  
United States Magistrate Judge